

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

JALEN D. LEE,

Petitioner,

v.

TIMOTHY SHOOP, WARDEN,  
CHILlicothe CORRECTIONAL  
INSTITUTION,

Respondent.

Case No. 2:18-cv-561

Judge James L. Graham

Magistrate Judge Chelsey M. Vascura

**OPINION AND ORDER**

On June 8, 2018, the Magistrate Judge issued an *Order and Report and Recommendation* pursuant to Rule 4 of the Rules Governing Section 2254 Cases recommending that this action be dismissed without prejudice as unexhausted, and denying Petitioner's request for the appointment of counsel. (ECF No. 3.) Although the parties were advised of the right to file objections to the Magistrate Judge's *Order and Report and Recommendation*, and of the consequences of failing to do so, no objections have been filed.

The *Order and Report and Recommendation* (ECF No. 3) is **ADOPTED** and **AFFIRMED**. This action is hereby **DISMISSED**.

Petitioner has waived his right to appeal by failing to file objections. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6<sup>th</sup> Cir. 1981). The Court therefore **DECLINES** to issue a certificate of appealability.

**IT IS SO ORDERED.**

Date: July 10, 2018

s/James L. Graham

JAMES L. GRAHAM

United States District Judge